

of the word "disability," it made it very difficult for individuals with serious health conditions such as epilepsy, diabetes, cancer, muscular dystrophy, multiple sclerosis, and severe intellectual impairments to prove that they qualify for protection under the ADA.

The Supreme Court narrowed that definition in two ways: one by ruling that mitigation measures that help control an impairment, like medicine or hearing aids or other devices, must be considered a deserving disability; and, two, ruling that the elements of the definition must be interpreted strictly to create a demanding standard for qualifying as disabled.

Mr. Speaker, enough is enough. The civil rights of all Americans are an important constitutional element. We hold these truths to be self-evident that we are all created equal. This legislation, H.R. 3195, restores those rights. And I would like to affirm that my vote in the Judiciary Committee was a resounding "yes." The fact that I was detained, I want that to be reflected in the report.

This is an important bill. This bill is heavily supported, and I throw my support to a new civil rights law in America.

GET WITH THE PROGRAM

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the people of this country are pretty smart. They watch television and they listen to all of the political rhetoric and the hot air that comes out of this place, and they listen to all the press conferences, but they know, they know gas prices are too high and they know we ought to be energy independent and they know that we ought to drill in the United States so we can be energy independent. They know that it is affecting their prices at the grocery store and everything that they buy. They want us to be energy independent. They want us to drill in the ANWR and they want us to drill offshore in the Outer Continental Shelf. They want us to do what is right in this body. And we are not doing it.

I want to say to my colleagues who are giving all of this hot air out about we shouldn't be doing it and about permits and everything else, the American people know they want us drilling in America. They want energy independence, and you guys had better get with the program.

STEER DRIVE ACT TO FLOOR

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, you know one thing that this Congress is not doing is sitting down and really trying to figure out where the Demo-

crats and the Republicans agree on this energy challenge. ELIOT ENGEL and I 2 years ago sat down and wrote a bill called the DRIVE Act. We left off drilling and we left off safe standards; and we asked, what is it that builds the most consensus?

That bill takes us off of Mid East oil by the year 2025. It is something that should come to the floor. It makes sense. It has a lot of commonsense things, like ending the tariff on imported Brazilian surplus ethanol.

Think about that for a minute. Brazil has surplus ethanol that they are ready to sell to us right now, and we have a tariff on it. It is absurd. That is just one component of the DRIVE Act that makes sense. And I request that we bring this bill to the floor of the House for a good bipartisan debate and hopefully a good bipartisan passage.

□ 1830

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WAR POWERS COURT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, forget about the days of judicial restraint. Those are the days when the Supreme Court thought their job was to interpret the law and follow the Constitution. The Supreme Court now has ushered in a new era power grab called judicial imperialism.

Recently, the deeply divided Supreme Court, or the war powers court, as we shall call it, issued a ruling by Justice Kennedy that gave terrorists the right to argue their cases in Federal courts. In this 5-4 decision, the court held that terrorism detainees captured on the battlefield engaged in war against America now held at Guantanamo Bay prison and other prison facilities under U.S. control have the same rights as American citizens.

When I was at Gitmo prison, which I doubt Justice Kennedy has ever seen, I saw several detainees that had been captured, released, and captured again on the battlefield trying to kill Americans. I'm sure these enemy combatants are partying in Guantanamo prison tonight.

Under the current law, individuals captured as enemy combatants have

their cases reviewed by military commissions. It has always been the law under our Constitution that the President is the Commander in Chief of the military, and the President and Congress control war, not the nine justices on the Supreme Court. But the imperialistic war powers court ruled that these military commissions aren't fair enough for enemy combatants trying to kill American troops. It's interesting. These terrorists hate America, hate freedom, hate our way of life but quickly run to American courts to seek redress against Americans.

The five war power judges on the Supreme Court say these poor little misfits should have access to American courts, even though it is the first time in history we have given constitutional rights to combatants against the United States. Even in the War between the States, captured Confederate soldiers who were actually born in the United States were not allowed access to U.S. courts. They were tried by military tribunals. The same occurred in World War II when Nazis were tried by military tribunals. During the Revolutionary War, British spy John Andre was caught on U.S. soil spying with traitor Benedict Arnold. Andre was hung by the Commander in Chief, George Washington, and a military court without any judicial intervention.

So what is next? Are we going to make our boys read terrorists their Miranda rights in the battlefield before they capture them? Justice Scalia was right, Mr. Speaker. In his dissent he argued that this ruling will make the war on terror harder on us and will "almost certainly cause more Americans to be killed."

The Supreme Court is running roughshod over the Constitution of the United States and changing 200 years of judicial precedent. In fact, at the end of World War II, the Supreme Court explicitly determined in a series of cases that the writ of habeas corpus—that's an action that allows a person to seek relief from detention—does not apply to foreign combatants held outside the United States.

It gets down to this question, Mr. Speaker: Who should be running our wars? Should Congress and the executive branch be in charge of war, or should the Supreme Court, in all of its supreme knowledge, be running the war?

Well, according to the war powers court, they are the commanders in chief of the war. Now what does the imperialist war court want us to do with captured terrorists? Not capture them at all, or let them go so they can kill again?

While terrorists continue to use innocent women and children as shields, continue to bomb our troops, shoot our sons and daughters in the battlefield and behead American civilians and our troops without granting them any rights, the Supreme Court tells us these terrorists ought to be treated